

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

Before the court is a “Motion for Extension of Time to Complete Discovery and for Stay of Summary Judgment Pursuant to Rule 56(d)” filed by plaintiff Timothy Engh on May 21, 2014. Plaintiff requests that the current discovery deadline of June 1, 2014, be extended by 20 days and that the pending summary judgment motion be stayed pending completion of discovery and resolution of any discovery disputes. Defendant LEAM Drilling Systems, LLC filed a response opposing the motion on May 30, 2014.

The court held a telephonic conference regarding the motion on May 22, 2014. Mark V. Larson appeared on plaintiff's behalf. Phillip Phariss Owens, II appeared on defendant's behalf. During the call, the court noted that a number of the deadlines in the original Scheduling Order did not lapse until after the existing August 19, 2014 trial date. The court determined that the scheduling error, combined with the fact that another civil trial and several criminal trials were scheduled ahead of this case on the court's peremptory calendar, required the trial to be reset for a later date. The jury trial was continued to February 9, 2015. During the conference call and in its written response, defendant recognized that its primary reasons for opposing the extension, its desire to maintain the original trial date and to obtain a decision on the summary judgment motion prior to trial, had been eliminated by the continuance of the trial date.

Because the continuance of the trial date creates adequate time for additional discovery, the court **GRANTS** plaintiff's Motion for Extension of Time of Complete Discovery (Docket No. 23) and Motion for Stay of Summary Judgment (Docket No. 27). Discovery shall be completed and plaintiff shall file its response to defendant's motion for summary judgment by no later than August 1, 2014.

IT IS SO ORDERED.

Dated this 2nd day of June, 2014.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr., Magistrate Judge
United States District Court